

APR 16 2004 **TH**

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

|  |   |                            |
|--|---|----------------------------|
| In re ENRON CORPORATION                    | § | Civil Action No. H-01-3624 |
| SECURITIES LITIGATION                      | § | (Consolidated)             |
| <hr/>                                      |   |                            |
| This Document Relates to:                  | § | <u>CLASS ACTION</u>        |
| <hr/>                                      |   |                            |
| MARK NEWBY, et al., Individually and       | § |                            |
| On Behalf of All Others Similarly Situated | § |                            |
|  | § |                            |
| Plaintiffs,                                | § |                            |
| vs.  | § |                            |
| ENRON CORP., et al.,                       | § |                            |
|  | § |                            |
| Defendants.                                | § |                            |
| <hr/>                                      |   |                            |
| THE REGENTS OF THE UNIVERSITY              | § |                            |
| OF CALIFORNIA, et al., Individually and    | § |                            |
| On Behalf of All Others Similarly Situated | § |                            |
|  | § |                            |
| Plaintiffs,                                | § |                            |
| vs.  | § |                            |
| KENNETH L. LAY, et al.,                    | § |                            |
|  | § |                            |
| Defendants.                                | § |                            |

**UNOPPOSED MOTION OF DEFENDANT CANADIAN IMPERIAL BANK OF  
COMMERCE FOR AN EXTENSION OF TIME TO RESPOND TO THE FIRST  
AMENDED CONSOLIDATED COMPLAINT**

Defendants Canadian Imperial Bank of Commerce, CIBC World Markets Corp. (f/k/a CIBC Oppenheimer Corp.) and CIBC World Markets plc (collectively "CIBC") respectfully submit this unopposed motion for an order extending until May 3, 2004, the time for CIBC to file its answer and affirmative defenses the First Amended Consolidated Complaint filed by Lead Plaintiff on May 14, 2003 ("Unopposed Motion").

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In support of the Unopposed Motion, CIBC respectfully shows the Court the following:

1. Notice of the Court's Order Re CIBC Defendants' Motion to Dismiss (#2048) was issued on April 2, 2004. Therefore, pursuant to Rules 12(a)(4)(A) and 6(a) & (e) of the Federal Rules of Civil Procedure, CIBC must respond to the First Amended Consolidated Complaint by April 19, 2004.
2. At CIBC's request, Lead Plaintiff has agreed to extend the time for CIBC to respond to the First Amended Consolidated Complaint to May 3, 2004.
3. This limited extension is warranted due to the complexity and burdens of the case and will not delay the proceedings, but rather will serve the interests of justice and promote efficiency.

Accordingly, CIBC respectfully requests that the Court enter the Order submitted with this Unopposed Motion.

Dated: April 16, 2004

Respectfully submitted,

 *By Permission*

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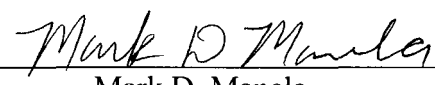
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**ATTORNEYS FOR DEFENDANTS CANADIAN IMPERIAL BANK OF COMMERCE,  
CIBC WORLD MARKETS CORP. (F/K/A CIBC OPPENHEIMER CORP.) AND CIBC  
WORLD MARKETS plc**

**CERTIFICATE OF SERVICE**

A true and correct copy of this Unopposed Motion of Canadian Imperial Bank of Commerce for an Extension of Time to Respond to the First Amended Consolidated Complaint has been served upon all counsel of record via the [www.esl3624.com](http://www.esl3624.com) website on this 16th day of April, 2004.

  
\_\_\_\_\_  
Mark D. Manela

*By permission  
mcf*

Pending before the Court is the Unopposed Motion of the Canadian Imperial Bank of Commerce, CIBC World Markets Corp. (f/k/a CIBC Oppenheimer Corp.) and CIBC World Markets plc (collectively “CIBC”) for an Extension of Time to Respond to the First Amended Consolidated Complaint, filed May 14, 2003 (“Unopposed Motion”). The Unopposed Motion requests that CIBC have until May 3, 2004 to file its answer and affirmative defenses the First

Amended Consolidated Complaint filed by Lead Plaintiff on May 14, 2003. The Court finds that the Unopposed Motion should be, and hereby is, GRANTED.

It is ORDERED that the Unopposed Motion is granted and that CIBC has until May 3, 2004 to file its answer and affirmative defenses to Lead Plaintiff's First Amended Consolidated Complaint.

SIGNED AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2004.

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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE